

REMARKS

Preliminary Matters

Claims 1-13 are pending in the application; claims 9-13 are withdrawn from consideration.

Claims 1-8 currently stand rejected.

Applicant thanks the Examiner for withdrawing the objection to claims 4-8 under 37 C.F.R. § 1.75(c) in view of Applicant's Amendment filed February 20, 2008.

Claim Rejections - 35 USC § 102

On page 2 of the Office Action, claims 1-8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Syudo (EP 1151751).

The Examiner cites Syudo as teaching gel compositions formed by cross linking a polymer with two substances selected from magnesium aluminometasilicate, dried aluminum hydroxide gel, and aluminum chloride present in the gel composition from 0.05-5 parts by weight per 100 parts by weight of gel. The Examiner further asserts that the composition of Syudo comprises polyacrylic acid, sodium polyacrylate, water, and 0.01-10 parts by weight per 100 parts by weight of vitamin C or a derivative thereof such as L-ascorbyl magnesium phosphate with pHs in the range of 5.5-8.5 when diluted with purified water and further comprises a polyhydric alcohol. Notably, the Examiner relies on product information for Viscomate™ to assert that sodium polyacrylate is a partially neutralized polyacrylate.

Applicant traverses and submits that the Viscomate™ product information does not demonstrate that sodium polyacrylate is a partially neutralized polyacrylate (Applicant notes that Viscomate™ is a product of the assignee of the present application).

The "Alias name" in the Viscomate™ product information attached to the Office Action does not refer to a synonym but merely lists the products under the trademark of Viscomate. The products under the trademark of Viscomate include partially neutralized polyacrylate of Grades NP-600, NP-700, and

NP-800 as well as completely neutralized polyacrylate of Grade F-480SS and Liquid type Grade SL-104Y. The “sodium polyacrylate” does not mean a partially neutralized polyacrylate, but means completely neutralized polyacrylate. This can easily be recognized from the description in the information of “Grade of Poly(sodium) acrylate-Completely neutralized material.” Accordingly, sodium polyacrylate is different from partially neutralized polyacrylate.

In view of this distinction, Applicant submits that Syudo does not teach each and every element of Applicant’s claims. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

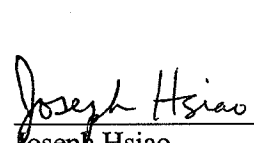
Further, the Examiner indicated on page 3 of the Office Action that Applicant’s Amendment of February 20, 2008 did not comply with the requirements of 37 C.F.R. § 1.111(b) by not presenting any arguments, but instead, presenting only amendments to claim 1.

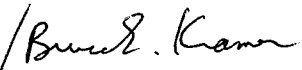
Applicant respectfully submits Applicant satisfied the requirements of 37 C.F.R. § 1.111(b), which requires Applicant to “present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references” by identifying a specific distinctions (i.e., that partially neutralized polyacrylate must be one of the two polymers in the claimed gel) which render the claims patentable over Syudo. Applicant further submits that brevity does not negate “a *bona fide* attempt to advance the application... to final action.”

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Joseph Hsiao
Registration No. 51,822


Reg. No. 33,725

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: August 15, 2008